IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

WRIT PETITION NO. 14 (MS) OF 2004

Bhawan Singh ……Petitioner.

Versus

State of Uttaranchal and Others. ……..Respondents.

05.11.2004

Hon'ble Rajesh Tandon, J.

Heard Sri Pankaj Purohit, counsel for the petitioner and Sri R.P. Nautiyal, counsel for the respondents.

By the present writ petition, the petitioner has prayed for a writ of certiorari dated 29th August, 2001 passed by respondent no. 3 in O.S. No. 1 of 2001 and order dated 24.12.2003 passed by respondent no. 4 in Misc. Civil Appeal No. 12 of 2001 Bhawan Singh Vs. State of Uttaranchal and another.

Briefly stated, a suit was filed by the plaintiff/petitioner praying for the permanent injunction restraining the respondents from interfering in Khasra No. 1030 and 759 and 25 Nalis. Both the courts below have refused to grant injunction by observing that there is neither any prima facie case balance of convenience and irreparable injury.

However parties have agreed that the learned Civil Judge (Sr. Div.) may be directed to dispose of the suit expeditiously and in the meantime, parties may be directed to maintain status quo.

In view of the above, respondent no. 3 is directed to dispose of the suit by 31st December, 2004 and in the meantime parties may be directed to maintain status quo.

However, this order will not come in the way of the final decision of the suit.

Consequently, subject to the aforesaid observation, the writ petition is disposed of finally.

(RAJESH TANDON, J.)

05.11.2004

P.S.R.